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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,482	11/07/2000	Dimitri Kanevsky	YOR9-2000-0244-US1	9757

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/707,482

Applicant(s)

KANEVSKY ET AL.

Examiner

Greta L. Robinson

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109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-16 are pending in the present application.

#### *Drawings*

2. The drawings are objected to because a descriptive textual label is needed for element 120 in figures 2, and 3; note the label for element 120 in figure 1. A descriptive textual label is also needed for element 101 in figure 2, and elements 102 and 301 in figure 3. See 37 CFR 1.84(o). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**desktop calendar**” [note claim 8 lines 1-2] and the “**smart calendar**” [see claim 15 line 2] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 and claim 10, the following claim language is vague: “**at least first and second calendars**” [see claim 1, line 2; claim 10 line 3]. Note the limitation “at least first” is vague. The element of a “**first calendar**” is not clear. The examiner suggests inserting the limitation “calendar” after the word first to distinguish or clarify the claim. Also, note claim 1, line 5 and line 7.

Regarding claim 1, the following claim language lacks proper antecedent basis: “**the second calendar**” [see claim 1 lines 4].

Regarding claims 1 and 9 the following claim language lacks proper antecedent basis: “**the other calendar**” [see claim 1 lines 4; claim 9 line 3]. Also, it is not clear as to whether “the other calendar” is the third calendar.

Regarding claims 9 and 16, the following claim language is vague: “**the first**” [see claim 9, lines 4 and 5; claim 16 line 9 and line 11]. Note the limitation “at least first” is vague. The

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element of a “**first calendar**” is not clear. The examiner suggests inserting the limitation “calendar” after the word first to distinguish or clarify the claim.

Regarding claim 15, the following claim language is not clear: “*further comprising transmitting the data to a computer, thence to a smart calendar*” [see claim 15 lines 1-2].

Regarding claim 16, the following claim language lacks proper antecedent basis: “**the captured image**” [see claim 16 line 6].

Regarding claim 16, the following claim language lacks proper antecedent basis: “**sending the data**” [see claim 16 line 4]; “**the other**” [claim 16 line 5]; and “**the contents**” [claim 16 line 9].

Claims 2-8 and 10-15 are rejected based on dependency.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Scully et al. US Patent 4,831,552.

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Regarding claim 1, **Scully et al.** teaches a calendar system connected to a network [col. 5 lines 47-68] comprising:

at least first and second calenders [col. 8 lines 55-64];

means for sending the data displayed on either the first calendar or the second calendar to the other calendar [figure 5A; and abstract];

a computer for comparing the contents of the first and second calendars and for filling them with data missing from either, such that both the first and second calendars are able concurrently to display altogether the same data [note abstract; figure 1 and figure 3A; col. 3 line 60 through col. 4 line 33; col. 23 lines 18-60].

Scully et al. teaches a method for concurrently displaying entries from a plurality of different electronic calendars based on interactively entered data.

8. The limitations of independent claims 9 and 16 parallel the limitations of claim 1; therefore they are rejected under the same rationale.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scully et al. US Patent 4,831,552 in view of Jenson US Patent 5,570,109.

Regarding claims 2-7, "in which the computer for comparing the contents includes means for recognizing and interpreting the first calendars content, wherein the system displays on the first calendar the first calendar the data that is stored in the second calendar, if such data is not displayed already on the first calendar" Scully et al teaches comparing the contents and means for recognizing and interpreting a calendar's content as cited above, (note citations in the previous paragraph). Scully et al does not specifically teach wherein the system displays on the first calendar the first calendar the data that is stored in the second calendar, if such data is not displayed already on the first calendar. Jenson teaches this feature. **Jenson** teaches a mechanism

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for determining a display mode and allows data (i.e. calendar information) to be entered (i.e. add, delete, modify information) on a second system [note abstract; col. 13 lines 25-61; col. 16 lines 23-31]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Jenson with Scully et al because Jenson's ability to concurrently allow changes to be input col. 13 lines 55-61, would provide a means of synchronizing the plurality of concurrently displayed electronic calendars in Scully et al's system.

11. Regarding claim 8, "a third desktop calendar" [note: Jenson allows for the connection of I/O circuitry note I/O interface (18); col. 4 lines 9-36].

12. The limitations of claims 10-15 have been addressed above in claims 2-8 except for the following: "a smart calendar" [note: Jenson allows for the connection of I/O circuitry note I/O interface (18); col. 4 lines 9-36].

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang et al. US Patent 6,380,959 B1

Haneda et al. US Patent 5,870,713

Doak et al. US Patent 5,864,869



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Curtis et al. US Patent 4,591,840

Moon et al. US Patent 6,064,975

Kroff, William W. US Patent 4,573,127

Koved et al. US Patent 5,274,363

Cree et al. US Patent 4,866,611

Cree et al. US Patent 4,817,018

Aoki et al. US Patent 5,432,571

Schindler et al. US Patent 6,396,480 B1

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 pm. If any attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached at (703)305-9790.

**Any response to this final action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**


(703)746-7239, (for formal communications; please mark "EXPEDITED

PROCEDURE")

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or (703)746-5657, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



**GRETA ROBINSON**  
**PRIMARY EXAMINER**

Greta Robinson

Primary Examiner

February 4, 2003